

Appeal Decision

Site visit made on 21 March 2017

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 2 May 2017

Appeal Ref: APP/Q1255/W/16/3160331 17-19 Hurst Hill, Poole, BH14 8LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr C Wilson, Avante (Hurst Hill) Ltd against the decision of Poole Council.
 - The application Ref AP/16/01054/F, dated 6 July 2016, was refused by notice dated 14 September 2016.
 - The development proposed is demolition of 3 existing dwellings and construction of 6 new detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the surrounding area; and
 - (ii) protected trees.

Reasons

Character and appearance

3. The appeal site is located towards the southern end of Hurst Hill, a low density residential cul-de-sac characterised by a mixture of dwellings set back from the highway within generous plots. Although they vary in terms of size and style, there is a degree of cohesiveness evident, with most properties having a 1960s appearance with similar external materials and pitched roof structures. The appeal site itself currently consists of three large detached dwellings located towards the end of the cul-de-sac. Although they are not of any outstanding architectural merit, they are pleasant, attractive properties which positively contribute to their surroundings.
 4. Parts of the surrounding area have undergone considerable transformation over recent years with many properties having been replaced by larger dwellings of more contemporary design. However, Hurst Hill is a notable exception and has, to a large extent, retained much of its original character. Although there is some evidence of modernisation, it is generally sensitive to its surroundings and the pleasant character of the original buildings has been retained. Most properties benefit from reasonable amounts of landscaping which, together with the woodland backdrop, gives the area a spacious and verdant feel.
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5. Policy PCS5 of the Poole Core Strategy 2009 (CS) requires residential proposals involving plot severance to demonstrate that sufficient land can be assembled to accommodate a type, scale, density and layout of development which preserves or enhances the residential character of the area. Furthermore, CS Policy PCS23 seeks to ensure that new development exhibits a high standard of design which respects the character and setting of the surrounding area.
6. The proposal would involve the demolition of the existing dwellings and their replacement with 3 blocks of semi-detached pairs sited on the approximate footprints of the existing dwellings but with a greater depth of footprint to both the front and rear. At three-storeys high and with an increased bulk and stepped forward building line, they would appear dominant within this part of the street and at odds with the surrounding development.
7. Furthermore, although they would match each other, the proposed dwellings would appear considerably different to the other properties along Hurst Hill. Their contemporary design, coupled with the use of modern materials, would appear at odds with the more traditional appearance of the neighbouring properties impacting negatively on the street scene. To the front they would add large areas of hardstanding, which, when taken with that located to the front of the bungalows opposite, would materially erode the verdant and spacious character of the surroundings. This would be exacerbated by the loss of protected trees to the rear of the site – a matter to which I return below.
8. While I accept that it is possible to enhance the character of an area by introducing something slightly different to what is already there, in this instance, the proposal would not contribute positively to its surroundings and would fail to preserve, enhance or respect the character and appearance of the surrounding area. Consequently, I conclude that it would be contrary to CS Policies PCS5 & PCS23.

Protected Trees

9. Turning then to its impact on protected trees, the appeal site contains a number of mature trees that are protected by a Tree Preservation Order (TPO)¹ as part of a larger area of woodland to the rear. CS Policy PCS23 permits development for sites containing trees and woodlands where, amongst other things, it retains mature trees, woodlands and tree belts. However, Policy DM1 of the Site Specific Allocations and Development Management Policies DPD ("the DPD") restricts proposals that result in the loss of protected trees that make a significant contribution to the character of an area.
10. The appellant's Arboricultural Assessment recommends the removal of a number of trees. However, with the exception of one (T7), the parties agree that they are of low quality having been categorised as Class C or U under British Standard BS5837. T7, however, is a mature Maritime Pine of considerable height which is highly prominent within the surrounding area. It forms part of a group of trees which are visually prominent in both the immediate street scene and the wider surroundings. Both individually and cumulatively they contribute to the verdant character of the surroundings and provide a wooded backdrop to this section of Hurst Hill. T7 is a healthy specimen and is in a reasonable structural condition with no obvious or significant defects. It makes a positive contribution to the surrounding area and

¹ No 14/1960) – Woodland Order.

with an average life expectancy of around 180 years, it is reasonable to assume that this contribution will be enjoyed for many years to come.

11. Its loss, however, would not only impact on this part of the street but would be detrimental to views from the wider area. It would reduce the contribution that both T7 and the wider group of trees make to their surroundings further eroding the verdant character of this part of Hurst Hill. Although the appellant has suggested that the impact could be mitigated with replacement planting, this would take many years before it would make any meaningful contribution to the character of the surrounding area. Accordingly, I do not consider it provides sufficient mitigation.
12. Consequently, I consider the loss of T7 would have a considerable impact on the character and appearance of the surrounding area. In the absence of any robust evidence which would demonstrate that the benefits of the proposal would outweigh this impact and justify the loss of this tree, I conclude that the proposal would be contrary to CS Policy PCS23 and DM1 Poole Site Specific Allocations and Development Management Policies DPD (2012).

Other matters

13. The Council has also raised concerns around the impact of the proposal on T5 and T6 and to a lesser extent on T8 and T9. However, the appellant's Arboricultural Assessment includes a number of measures intended to ensure that these trees are not damaged during construction, including protective fencing. Furthermore, while I note that there would be some impact on the RPA of these trees, in view of the tolerance of those particular species, I concur that any impacts can be suitably managed by the protective measures indicated.
14. The appellant has referred to Paragraph 60 of the National Planning Policy Framework ("the Framework") which indicates that decision makers should not attempt to impose architectural styles. However, it also makes clear that it is proper to seek to promote or reinforce local distinctiveness. Likewise, while I note the appellant's reference to Paragraph 63 of the Framework, I do not consider the design of the proposal is particularly innovative or outstanding or that it would help raise the standard of design more generally within the area. As such, I find these paragraphs provide little support for the proposed development.
15. While I acknowledge that the site would contribute towards the area's identified need for housing, the Council has indicated that it is able to demonstrate a 5 year supply of housing land. I have seen nothing would indicate that this is not the case and, as such, do not consider Paragraph 49 of the Framework to be engaged.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR